

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:
TRUJILLO, ANTHONY & SHERYL

Hon. Walter Shapero

15-47696-D

Debtor(s)

Chapter 7

TRUSTEE'S ATTORNEY'S APPLICATION TO APPROVE FIRST AND FINAL FEES AND COSTS

ELLMANN & ELLMANN P.C. ("Applicant") states pursuant to Bankruptcy Rule 2016 and L.B.R. 2016-1.

1. Amounts Requested. This Application seeks an award of fees and costs. Applicant requests that the Court approve fees of \$10,560.00 and costs of \$24.00.

2. Time Period. This Application relates to services rendered and expenses incurred during the period of 7/9/15-4/18/16.

3. Nature of Services. The nature of the services rendered throughout this case is detailed below and in the time records attached, but can be generally described as follows:

1) Investigation of facts: Counsel for the Trustee reviewed the petition and supplemental documents.

2) Assessment of Potential Litigation. Trustee's counsel reviewed potential litigation.

3) Counsel's Motions. Trustee's counsel prepared the following motions:

The Court approved a motion to appoint consultant, and to approve his fees, a motion to appoint an appraiser and to approve its fees, and to approve a compromise.

4) General administrative actions. Counsel reviewed documents, answered inquiries from creditors, attempted to respond to creditor's requests, and responded to requests from others regarding the status of the proceedings.

5) Counsel's actions resulted in the following accomplishments: Counsel settled a claim against the debtor, and filed an application to approve the settlement. It related to excess equity in certain assets as detailed in the pleadings filed in the case.

4. Specific Benefits Incurred. The estate continues to be administered. The specific benefits incurred as a

result of the services rendered are further discussed in the time records attached. The priority tax creditors will receive in excess of 3% of their filed claims. Applicant has reduced his fee \$500 voluntarily for creditor benefit.

5. Adversary Proceedings. None have been filed

6. Current Status of Case. The estate is being closed

7. Future services. None.

8. Prior fee applications. There have been no previous fee applications filed.

9. The client has had an opportunity to review this fee application and approves the requested amounts.

10. All services were performed by Douglas Ellmann, Esq. unless otherwise noted.

11. The estate collected and disbursed the following approximate amounts: receipts: \$18,000.00 and disbursements \$1,152.50 leaving a current balance of \$16,847.50. This amount may be exclusive of bank fees.

12. The approximate amount of unpaid administrative fees and expenses are as follows: Trustee fees of \$2550.00 and costs

No agreement or understanding exists between Applicant or anyone else regarding the division of fees to be paid in this estate.

THEREFORE, Applicant requests the Court approve fees in the amount of \$10,560.00 and costs in the amount of \$24.00.

Dated: 4/18/2016

/s/ DOUGLAS S. ELLMANN
Ellmann & Ellmann, P.C.
Douglas S. Ellmann (P34617)
Attorney for Trustee
308 West Huron
Ann Arbor, MI 48103
734 668 4800
dse@ellmannlaw.com

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:
TRUJILLO, ANTHONY & SHERYL

Debtor(s)

Hon. Walter Shapero

15-47696-D

Chapter 7

ORDER APPROVING TRUSTEE'S ATTORNEY'S
FIRST AND FINAL APPLICATION FOR FEES AND COSTS

This matter having come on to be heard and no objection having been filed to his Approval of First and Final Trustee's Attorneys Fees pursuant to LBR 2016-1,

IT IS HEREBY ORDERED AND ADJUDGED that Ellmann & Ellmann PC's first and final fee request in the amount of \$10,560.00 for fees, and \$24.00 for costs, is approved.

Exhibit 1

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:
TRUJILLO, ANTHONY & SHERYL

(Chapter 7)

Debtor(s).

Hon. Walter Shapero
15-47696-D

AFFIDAVIT TO EMPLOY TRUSTEE'S FIRM

Douglas S. Ellmann declares:

1. I am the duly appointed Trustee in this matter and I and my law firm will serve as attorney in the estate.
2. Neither I, nor any firm with which I am associated, insofar as I have been able to ascertain, has any connection with the above-named estate, its creditors, or any other party in interest, or their respective attorneys and accountants, or the US Trustee's office or its employees unless stated as follows:
3. Neither I nor any firm with which I am associated, insofar as I have been able to ascertain, holds or represents any interest adverse to that of the estate or the debtor in possession in this matter, if any, upon which I am to be engaged.
4. Based on the foregoing, I believe that I and any firm with which I may be engaged is a disinterested person within the meaning of Sections 101(14) and 327 of the Bankruptcy Code.

Under penalty of perjury, the undersigned attests that the above information is true and accurate.

/s/ Douglas S. Ellmann
DOUGLAS S. ELLMANN
308 West Huron
Ann Arbor, MI 48103
734 668 4800
dse@ellmannlaw.com

Dated: 7/24/2015

Client

Trujillo (Stein), debtors

Fees Previously Requested

\$0.00

Name of Applicant: Ellmann & Ellmann P.C.

Chapter 7

Fees Previously Awarded

\$0.00

Role in this case: Trustee's Attorney

Expenses Previously Requested

\$0.00

Expenses Previously Awarded

\$0.00

Retainer Paid: 0.00

Current Application
Fees Requested
Expenses Requested

\$11060.00

\$24.00

FEE APPLICATION

Names of Professionals/ Paraprofessionals	Years Admitted to Practice	Hours Billed Current Application	Rate	Total for Application
Douglas S. Ellmann	33	29.3	\$335-\$350 per hour	10,355.00
Claudia Ellmann	32	3.8	275.00 per hour	1045.00
Total		33.10		\$11060.00

Exhibit 4

Client Trujillo (Stein), debtors

Date	Matter	Activity	Amount	Hours
7/9/2015	Asset Analysis & Recovery	review documents concerning deed, and other documents requested; correspondence to accountant re value of business; contemplated settlement; prepare for and settlement negotiations with E. Stein, Esq. Re equity in home, and business assets		0.70 Douglas Ellmann
7/24/2015	Asset Analysis & Recovery	review documents concerning equity in real estate and business and sent offer subject to approvals; review and consider same		0.50 Douglas Ellmann
7/28/2015	Asset Analysis & Recovery	prepare for and settlement conference with debtor's attorney		0.40 Douglas Ellmann
8/20/2015	Asset Analysis & Recovery	correspondence to broker re verifying value on home; correspondence to counsel re additional documents and home inspection		0.30 Douglas Ellmann
8/25/2015	Asset Analysis & Recovery	review documents concerning broker valuation; correspondence to E. Stein re offer to settle was withdrawn and I would be listing the property; correspondence to broker to send listing agreement		0.70 Douglas Ellmann
8/25/2015	Asset Analysis & Recovery	research re exemptions and costs of sale and abandonment		0.40 Douglas Ellmann
8/26/2015	Asset Analysis & Recovery	review documents concerning documents that debtor would not cooperate with sale until after objections to exemptions were heard; review and consider situation on how to respond		0.30 Douglas Ellmann
8/27/2015	Asset Analysis & Recovery	teleconference with E. Stein and prepare for same re review of assets, etc.; conference with CRE re same; correspondence to RJ Montgomery re review of assets		0.70 Douglas Ellmann
8/27/2015	Asset Analysis & Recovery	teleconference with M. Goedert re value; correspondence to E. Stein re listing price		0.30 Douglas Ellmann
8/28/2015	Asset Analysis & Recovery	correspondence from E. Stein re value of home, etc.		0.30 Douglas Ellmann

8/31/2015	Asset Analysis & Recovery	correspondence to and from RJ Montgomery re reviewing personalty;	0.20	Douglas Ellmann
9/2/2015	Asset Analysis & Recovery	teleconference with RJ Montgomery re survey of assets to determine whether this is an auction or appraisal situation	0.30	Douglas Ellmann
9/8/2015	Asset Analysis & Recovery	teleconference with Rob at RJ Montgomery re potential auction of business assets	0.40	Douglas Ellmann
9/22/2015	Asset Analysis & Recovery	conference with CRE re Supreme Court case	0.30	Douglas Ellmann
10/1/2015	Asset Analysis & Recovery	settlement correspondence to and from E. Stein, Esq. and consider same; discussion with CRE re same re counter proposal;	0.30	Douglas Ellmann
10/5/2015	Asset Analysis & Recovery	correspondence to and from E. Stein Esq. Re he approved motion and changes to stip and order; revise stipulation and order giving him additional time to question the amended objections; correspondence to him re same	0.40	Douglas Ellmann
Asset Analysis & Recovery		Subtotal	\$2,275.00	6.50
10/2/2015	Employment/ Fee Application	correspondence to broker re hiring as real estate consultant; prepare motion to appoint appraiser and correspondence to RJ Montgomery re same	0.50	Douglas Ellmann
10/5/2015	Employment/ Fee Application	review documents concerning signed declaration by RJ Montgomery and correspondence to UST re approval	0.10	Douglas Ellmann
10/7/2015	Employment/ Fee Application	prepare application to appoint M. Goedert as real estate consultant; correspondence to him re same	0.40	Douglas Ellmann
10/7/2015	Employment/ Fee Application	review documents concerning UST consent; prepare order for entry	0.20	Douglas Ellmann
11/24/2015	Employment/ Fee Application	prepare application to appoint broker; correspondence to him re same	0.30	Douglas Ellmann

2/2/2016	Employment/ Fee Application	Prepare ex parte motion for fees for appraiser		0.50	Douglas Ellmann
4/18/2016	Employment/ Fee Application	prepare first and final fee application		0.80	Douglas Ellmann
		Employment/ Fee Application	Subtotal	\$980.00	2.80
7/24/2015	Employment/ Fee Application	prepare certification of disinterest		0.20	Douglas Ellmann
		Employment/ Fee Application	Subtotal	\$70.00	0.20
7/28/2015	Litigation	review documents concerning amended exemptions; correspondence to and from counsel requesting that amendment be withdrawn;		0.40	Douglas Ellmann
7/29/2015	Litigation	prepare objections to exemptions		0.60	Douglas Ellmann
8/11/2015	Litigation	research re exemption valuation by debtors		1.20	CRE
8/12/2015	Litigation	prepare motion to object to exemptions		0.80	CRE
8/20/2015	Litigation	review of several cases re in kind exemption; discussion with CRE re brief		0.40	Douglas Ellmann
8/20/2015	Litigation	revise objections to exemptions; filed same		0.40	Douglas Ellmann
8/20/2015	Litigation	prepare motion to object to exemptions; research re same		1.20	CRE

8/26/2015	Litigation	Prepare motion; teleconference with broker re listing price and rent; composed proposed email to debtor's counsel	1.40 Douglas Ellmann
9/2/2015	Litigation	review of debtor's second amended schedules	0.30 Douglas Ellmann
9/3/2015	Litigation	review documents concerning notice of hearing	0.20 Douglas Ellmann
9/18/2015	Litigation	research re property appreciation for reply brief	0.60 Douglas Ellmann
9/21/2015	Litigation	Prepare for argument and reply brief	1.00 Douglas Ellmann
9/22/2015	Litigation	teleconference with K. Heverly re K1 for Aqua Dulce and whether it was an LLC or partnership as the schedules show; prepare affidavit for M. Goedert re same for evidence; prepare for hearing; correspondence to debtor's counsel re adjournment	1.25 Douglas Ellmann
9/22/2015	Litigation	Further review of financials' numerous calls with accountant re business value;	3.00 Douglas Ellmann
9/22/2015	Litigation	research re exemptions; revising reply brief/objections to second amended exemptions	2.20 CRE
9/24/2015	Litigation	review documents concerning bankruptcy rule then I intended to take deposition under from debtors's attorney; review of bankruptcy rules in contested matters in reply to debtor attorney	0.25 Douglas Ellmann
9/24/2015	Litigation	correspondence to and from E. Stein, Esq. re evidence	0.20 Douglas Ellmann
9/29/2015	Litigation	Prepare for deposition; take deposition; settlement discussions with counsel	4.50 Douglas Ellmann

9/30/2015	Litigation	Prepare objection to debtor's second amended claim for exemptions	1.10	CRE
9/30/2015	Litigation	review and revise objection to exemptions; conference with CRE re same; filed and served same upon E. Stein Esq.	0.50	Douglas Ellmann
9/30/2015	Litigation	correspondence to andf from E. Stein re transcript	0.10	Douglas Ellmann
9/30/2015	Litigation	correspondence to E. Stein and sent recordings of testimony yesterday to him at his request after review of same	0.30	Douglas Ellmann
10/1/2015	Litigation	correspondence to andf from E. Stein re settlement parameters	0.20	Douglas Ellmann
10/2/2015	Litigation	prepare settlement motion	0.50	CRE
10/2/2015	Litigation	revise settlement motion; prepare stipulation and order to adjourn in response to correspondence from E. Stein, Esq.	0.30	Douglas Ellmann
10/5/2015	Litigation	review documents concerning approval of stipulation; prepare same for filing with court re providing enough time to file compromise motion	0.20	Douglas Ellmann
10/6/2015	Litigation	Prepare deliberative process memo to UST; no charge; correspondence to noticing company re notice on matrix	0.30	Douglas Ellmann
12/3/2015	Litigation	review documents concerning message from E. Stein Esq. re how to handle court hearing; correspondence to him re same	0.20	Douglas Ellmann
Litigation		Subtotal	\$7,735.00	23.60
Grand Total			\$11,060.00	33.10

EXHIBIT 6

Douglas S. Ellmann's biography has appeared in Best Lawyers in America for fifteen years and in Michigan Super Lawyers since it was first published, and he has an "av" Martindale Hubbell rating. He graduated from Occidental College, Los Angeles, California in 1978 with a Bachelors Degree in Political Science. In 1982 he graduated from the University of Michigan Law School. Mr. Ellmann has served on the Representative Assembly of the State Bar of Michigan from 1983-1989, 1991-1992, 1998-present, on the Young Lawyers Section Executive Council for the State Bar, on the Young Lawyers Division Assembly of the American Bar Association, and on the Client Protection Fund (1989-1995). He was Chairman of the State Bar's ad hoc Committee on Mandatory Continuing Legal Education, and Vice Chair of the American Bar Association's Bankruptcy Committee, General Practice Section. In 1989, the U.S. Department of Justice appointed Mr. Ellmann to become a United States Panel Trustee in the Eastern District of Michigan. He has been involved with thousands of bankruptcy cases in that capacity. He is Secretary of the Eastern District of Michigan Bankruptcy Trustees Association, and has served on the Eastern District of Michigan Bankruptcy Court Bench Bar Committee. He co-authored a chapter on Attorney Fees in Bankruptcy cases for the Institute of Continuing Legal Education treatise Attorney Fee Agreements (5th ed., 2013).

Claudia Roberts Ellmann has been a member of the Michigan and federal bar since 1983. She graduated from University of Michigan (1979) and University of Michigan Law School (1983). Before, joining the Ellmann & Ellmann PC, she was a partner at Miller Canfield where she was involved with various kinds of litigation, including product liability and employment, and appellate work. She is a Co- Editor of the Institute of Continuing Legal Education volume Employment Law in Michigan: an Employer's Guide. She served as President of the Dispute Resolution Center of Washtenaw County. She and the law firm of Ellmann & Ellmann PC have an "av" rating from the Martindale Hubbell Law Director.

The law firm of Ellmann & Ellmann P.C. is listed as one of the Best Law Firms in Michigan by US News & World Report.

Trujillo (Stein), debtors

Date	Matter	<u>COSTS</u> Cost description	Amount
10/7/2015		notice fees	\$24.00
		Total Costs	\$24.00

Costs- Exhibit 7